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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fifty-fourth session

SUMMARY RECORD OF THE 1306th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 2 March 1999, at 10 a.m.

Chairman: Mr. ABOUL-NASR

later: Mr. YUTZIS

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The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 4) (continued)

Eleventh, twelfth and thirteenth periodic reports of Austria (CERD/C/319/Add.5; HRI/CORE/Add.8) (continued)

1. At the invitation of the Chairman, the members of the Austrian delegation resumed their places at the Committee table.

2. The CHAIRMAN invited Committee members to put additional questions to the Austrian delegation.

3. Ms. SADIQ ALI, further to a question on the implementation of article 7 of the Convention put by Mr. van Boven at the previous meeting, asked the Austrian delegation to say how long the training programmes for members of the police force in combating racial discrimination had been in progress and whether any policemen had been charged with committing errors in connection with acts of racial discrimination.

4. Mr. LECHUGA HEVIA, referring to paragraph 14 of the periodic report, which explained the legal status of the ethnic groups residing on Austrian territory, said that Committee members would be in a better position to determine the situation of racial discrimination in Austria if they were also given key indicators of the ethnic communities' living conditions, such as life expectancy, access to health and education services and unemployment, which would give them a more accurate view of the situation of minority groups in Austrian society.

5. Mr. YUTZIS inquired about information emanating from the Swiss Institute of Comparative Law and the European Commission against Racism and Intolerance (ECRI) to the effect that the Austrian Länder had no specific legislation banning racial discrimination, and that the Ombudsman (Volksanwaltschaft) for racial discrimination had received only a very few complaints of acts of racial discrimination and had not intervened in any case of racial discrimination in the previous five years. Was that information accurate?

6. Mr. SHAHI made reference to information stemming from the non-governmental organizations "Helping Hands" and the Ludwig Boltzmann Institute for Human Rights, which claimed that Austrian legislation did not differentiate among its citizens on the basis of affiliation or social, racial or ethnic origin. Nevertheless, no remedy was apparently available to victims of acts of racial discrimination.

7. He had learned through the same sources that the international instruments to which Austria was party were not directly enforceable in domestic law, but needed to be adapted to the legislation. Knowing full well that Austria had expressed a number of reservations regarding various international provisions, one might wonder whether the country was really in a position to fully implement in practice the international instruments it had ratified.

8. Mr. DOSSI (Austria) expressed his delegation's gratitude to the members of the Committee for affording it the opportunity for helpful dialogue, and thanked them for their interesting questions. Those he had been unable to answer in detail with figures and statistics would be dealt with in the next periodic report.

9. It was true that, in conformity with the Austrian Constitution which provided that any administrative action must have its basis in the law, the Convention was not directly enforceable in Austria's domestic law. In order to ensure that international obligations were met in amending the domestic legislation, the Austrian Parliament referred to the international instruments the country had ratified. That applied not only to the Convention, but to other international instruments. That method enabled the administrative authorities to enforce international provisions more easily than if they were also required to invoke national laws, and was advantageous for the implementation of the Convention.

10. In reply to the question of whether the special Constitution Act against racial discrimination (CERD/C/319/Add.5, para. 1) provided the sole means of ensuring implementation of the Convention, he explained that that text embodied the fundamental constitutional principle that no law or administrative action could be the cause of discrimination based on racial or ethnic considerations. Should that be the case, every citizen had the right to appeal to the Constitutional Court against the defective law, on the grounds of unconstitutionality, and the Court would not fail to nullify the text. Accordingly, it was not only the Constitution Act, but the entire array of penal, civil and administrative laws that combined to ensure the implementation of the Convention.

11. Concerning the surprise prompted by the provision of the Constitution Act prohibiting any discrimination based exclusively on race, he acknowledged that the distinction was very difficult to determine in practice. However, the Constitutional Court's case law had recognized the validity of that provision only insofar as it applied to the provisions set forth in the instruments of the European Union relating to differentiation between nationals and non-nationals of the Union. That distinction based on origin was considered acceptable for purposes of the European integration process.

12. Regarding the Austrian definition of the term "alien", he said that under the law it referred to any person who was not an Austrian citizen. However, since its entry into the European Union in 1995, Austria had adopted a provision stipulating that certain clauses concerning aliens did not apply to nationals of States of the European Union.

13. Replying to Mr. Yutzis, he explained that the fact that the various Länder did not possess their own laws on fundamental rights did not mean that those territories lacked legislation to protect those rights. In fact, the pertinent federal laws applied to all parts of the federal territory and had to be observed by the Länder's lawmakers. Indeed, the vast majority of laws were adopted at the federal level and not by the provincial legislative bodies.

14. The Committee should not infer from the provision of the Constitutional Act banning the National Socialist German Workers' Party (para. 13) that there was such a party in Austria. The sole purpose of the Act was to prevent that party's resurgence in Austria and to dissuade anyone who might be tempted to create new groups or movements espousing National Socialist theories or disseminating such ideas in publications or through the Internet, a medium to whose activities the Austrian Government assigned very great importance.

15. Several Committee members had questioned the effectiveness of the Ombudsman. Mr. Banton, for instance, doubted whether victims voluntarily appealed to the Ombudsman against acts of racial discrimination in which members of the police force were involved. According to the Ministry of the Interior's figures, some 400 complaints of that nature had been filed in 1998, 29 per cent of them by foreigners. Since the foreign population accounted for a mere 10 per cent of the total population, the figures suggested that victims were not afraid to avail themselves of that remedy.

16. On the other hand, he was unable to provide Committee members with precise data on the duration of the training and education programmes and activities in the field of racial discrimination. He would ensure that the information appeared in the next periodic report, together with a detailed list of training and education courses taught in schools and universities to give effect to the pertinent provisions of the Convention.

17. He acknowledged, however, that Austria had not decided to approve the draft amendment to article 8 of the Convention, nor did it intend to declare under article 14 of the Convention that persons claiming to be victims of a violation by the State party of any of the rights set forth in the Convention could appeal to the Committee. He undertook to apprise the Austrian Government of Committee members' feelings on the matter.

18. In reply to Mr. Diaconu's questions concerning the letter bombs sent to Roma and members of other Austrian communities in the 1990s, he said that a suspect, who appeared to have acted alone, had been apprehended and was currently being tried. The Committee would be kept informed of developments.

19. With regard to publicizing the Committee's conclusions concerning Austria, the Government was in the process of creating a Website that would provide information on the Committee's activities, including those relating to the implementation of the Convention in Austria.

20. Radio and television stations had been called upon to uphold the principles of objectivity and respect for human rights. On the subject of official assistance to the press, he explained that State subsidies were not granted to daily newspapers run by minority ethnic groups because no such papers existed, but that 51 minority weekly publications received subsidies. Moreover, the State allocated 50 million schillings to ethnic minority media for their rechannelling programmes.

21. On the subject of xenophobia and racism, he acknowledged that the Austrian juridical system focused more on repression than prevention. The law provided that any association having overtly racist practices or objectives must be banned and disbanded. That principle was difficult to enforce in

practice, because associations with those objectives did not necessarily spell them out in the draft statutes they submitted to the authorities. The problem stemmed largely from the need in a democratic society for some balance between the freedom of association guaranteed to all persons and the right of every person not to be subjected to discrimination based on racial or ethnic affiliation.

22. The purpose of the federal law instituting the National Fund for Victims of National Socialism (para. 43) was to make reparation to all victims, including the Roma.

23. In response to a question on the implementation of the Convention in both the private and public sectors, he said that the State had indeed adopted a large number of measures, mainly in the public sector. That being so, there were plans to expand the Convention's field of application, not only to the private domain but also to all forms of non-racial discrimination, such as discrimination against persons with disabilities.

24. Turning to statistics on ethnic groups living in Austria, he explained that the only figures at his disposal dated back to the 1991 census - the next was planned for 2001 - and did not necessarily reflect the number of persons belonging to the various groups, having been compiled from a questionnaire based, not on the origin or affiliation of those polled, but on the language they used in everyday life. For instance, 2.6 per cent of the inhabitants of Corinthia claimed to speak Slovenian on a day-to-day basis; 7 per cent of the population of Burgenland Croatian and 7 per cent Hungarian; 0.8 per cent of Viennese said they spoke Hungarian and 0.5 per cent Czech; the figure for Slovaks was insignificant. He had no figures for the Roma, because they had only been recognized as an ethnic group in 1992. Where the Roma were concerned, he pointed out, in response to an earlier question, that while they constituted a majority community in certain villages in Burgenland, they were integrated into other groups in Vienna and were not segregated. It was also State policy not to voluntarily separate the different ethnic groups. For that reason, proposals to set up a distinct school system for ethnic minorities with a numerical majority in certain provinces, for instance Corinthia, had been rejected, although there were plans to provide bilingual education in certain schools. Regarding the definition of the term "racial minorities", Austrian legislation used it to refer to national minorities who were traditionally present in Austria. In his view, therefore, that interpretation was no different from that of the Council of Europe.

25. In addition, certain Committee members' surprise that the report mentioned only Slovenes and Croats, ignoring the other four groups, was due to the fact that, under the State Treaty signed in Vienna in 1995, Austria's obligation under international law was only to those two groups, even though its ethnic-group legislation recognized six traditional ethnic groups which, as such, benefited from, inter alia, regulations, subsidies and special treatment. The country's efforts were also geared towards integrating minorities recently installed on Austrian territory into Austrian society.

26. Replying to a question from Mr. Banton, he confirmed that the Austrian system did not permit foreigners to vote in the boards of enterprises. It was

a delicate subject and one which was under discussion. He also confirmed that any person unfairly dismissed, on the basis of racial discrimination for instance, could appeal.

27. In reply to another question from Mr. Banton, he explained that the Federal Constitution Act was entirely in conformity with the Convention and that it was wrong to claim, as the report of the Swiss Institute of Comparative Law had done, that Austrian legislation did not protect aliens from discrimination by Austrians.

28. In conclusion, to Mr. Shahi's question concerning the reservations to the Convention, he replied that Austria had merely proffered its interpretation of articles 4 and 5 in the context of implementation of the Convention, but had not actually expressed reservations to that instrument.

29. Mr. GRÜNEWALD (Austria) said that the Government was aware of its responsibility to fight racial intolerance and xenophobia and that administrative measures and legislation alike should move in that direction.

30. In that regard, he pointed out that the offence of incitement to hostility was only subject to prosecution if it risked disturbing the public order, in which case it fell within the competence of the courts. Heavier sentences were being imposed for that offence and in cases of recidivism. Unlike the situation in systems of ordinary law, where, depending on the gravity of the offence, the State Counsel might decide to institute legal proceedings or otherwise - in the Austrian judicial system all cases had to be heard.

31. In addition, the Prohibition Act provided for the dissolution of all National Socialist organizations and banned their reconstitution and any activity connected with Nazi ideology. It was therefore a major instrument in the fight against racial discrimination. A special chapter added to the Prohibition Law also punished anyone who denied the Holocaust, and an amendment to the Penal Code permitted magistrates to consider any racial or xenophobic motivation to be an aggravating circumstance.

32. He was convinced that the Austrian judicial system was such as to effectively implement the Convention. Moreover, it was particularly important to try and nip problems in the bud. Similarly, education, employment policy and media conduct also helped to curb intolerance.

33. Lastly, he listed a number of initiatives taken to combat discrimination: establishment of a working group to analyse the findings of the survey on the implementation of the Convention, financed by the Federal Ministry of Justice; installation of a hot line to receive complaints of racist behaviour by members of the judiciary; formulation, in cooperation with the NGOs, of a sensitization programme for magistrates on the question of racial discrimination; and, lastly, creation and installation in Vienna of the Monitoring Centre on Racism and Xenophobia, behind which the Federal Ministry of Justice had put its full weight.

34. The statistics on criminal proceedings requested by certain Committee members were not currently available, but would be supplied in Austria's next report.

35. Mr. Yutzis took the chair.

36. Mr. ABOUL-NASR pointed out that many had suffered in labour and concentration camps during the Second World War; he therefore welcomed Austria's intention, unlike other European countries, to compensate not a single group, but all victims of those practices. He hoped that payment of such reparation would be made on an equal footing without distinction of race, colour or national origin. For instance, he failed to understand why some European countries paid an American 10,000 dollars and a Russian only 1,000 dollars. It was vital that every victim of that kind of practice, or his or her heirs, should receive individual and equivalent compensation.

37. Ms. SADIQ ALI observed that the delegation had not answered the question of whether police officers in Austria had been convicted for racist or xenophobic acts.

38. Mr. GARVALOV said that he hoped the Austrian delegation would take his remarks of the previous day into consideration and not only questions put to it by the experts.

39. Regarding the definition of alien status in Austrian law, he expressed concern at the distinction that Austria's judicial system and administrative practices made between nationals of countries of the European Union and others. To endorse the Austrian definition of the concept of alien would be to place anyone who was not an Austrian citizen in that category. In point of fact, article 1, paragraph 1, of the Convention stressed that the term racial discrimination "shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin". Moreover, paragraph 3 of that article provided that "nothing in this Convention may be interpreted as affecting in any way the legal provisions of States Parties concerning nationality, citizenship or naturalization, provided that such provisions do not discriminate against any particular nationality".

40. To illustrate his remark, he pointed out that he was a national of Bulgaria but not of the European Union and that, as such, he was subject to "discrimination" vis-à-vis European citizens: before entering Austria, he needed an invitation from an Austrian national, which had to be validated by the authorities.

41. He also inquired why paragraph 14 of Austria's report stated that "everyone is free to declare their affiliation with an ethnic group", when the affiliation obviously depended on criteria established for the European countries by the Council of Europe Framework Convention for the protection of national minorities. In Austria one could clearly not belong to the Hungarian ethnic minority while claiming at the same time to belong to the Rom or Slovak ethnic group. What was more, the mother tongue was not the only criterion for identification with a particular ethnic group.

42. For the Austrian authorities, the term "national minorities" evidently applied to all minorities traditionally living in Austria. There was, however, another school of thought which claimed that "national minorities" also referred to the minorities of neighbouring countries.

43. Mr. van BOVEN pointed out that many countries that had ratified the International Convention on the Elimination of All Forms of Racial Discrimination in the very early stages - of which Austria was one, ratifying it in 1972 - had subsequently felt that their legislation was not altogether adequate to meet the obligations to combat racial discrimination as set out in the Convention, mainly because of deep-rooted patterns of racial discrimination. As time went by, it had been decided that racial discrimination was most often imputable to individuals and that it occurred mainly in the field of social rights, employment and housing. It was therefore not enough to say that the country's authorities would perhaps devote more attention to the question or that the European Union would perhaps adopt a guideline on the subject. Urgent action was called for in that area, and it would be desirable for those issues to be addressed in Austria's next report.

44. While welcoming the creation in Vienna of the Monitoring Centre on Racism and Xenophobia, he reminded the delegation that the Committee also played an essential monitoring and supervisory role in that area, and it was important to establish greater cooperation and better coordination among the various organs and authorities dealing with racism and racial discrimination.

45. He said that he had also noted the delegation's intention to inform its Government of the Committee's concern regarding the amendments to articles 8 (States parties' responsibility for the expenses of the members of the Committee) and 14 (competence of the Committee to receive and consider communications from persons claiming to be victims of a violation of any of the rights set forth in the Convention). In that connection, he pointed out that Austria had been one of the sponsors of a draft resolution of the Third Committee of the General Assembly (A/C.3/53/L.18/Rev.1), in which the General Assembly would strongly "urge States parties to accelerate their domestic ratification procedures with regard to the amendment to the Convention concerning the financing of the Committee" (para. 13), and would "request States parties to the Convention that have not yet done so to consider the possibility of making the declaration provided for in article 14 of the Convention". Austria should practise what it had preached.

46. Mr. de GOUTTES remarked that the delegation had not replied to his question concerning section 283 of the Austrian Penal Code and, more particularly, the question of how the domestic courts interpreted the provisions of that section, under which propaganda and incitement to racial violence were punishable only if they targeted a "[specific] group" of persons and "jeopardized the public order" (CERD/C/319/Add.5, para. 11). He stressed the importance of the question, given the fact that the pertinent provision was one of the key clauses of the Austrian Penal Code on the subject of racism, and enabled the Committee to gauge the effectiveness of implementation of article 4 of the Convention. In that regard, he mentioned that Mr. Ramcharan, Deputy High Commissioner for Human Rights, had on the previous day stressed the importance of national anti-racist measures.

The meeting was suspended at 11.55 a.m. and resumed at 12.05 p.m.

47. Mr. DOSSI (Austria) replying to the experts' observations, pointed out that there had been a number of cases in which police officers were tried in the criminal courts for xenophobic or racist activities or acts. His country had set up a strict system of internal disciplinary measures for police officers found guilty of such offences; regrettably, he could not provide statistics on the subject.

48. Turning to the problem of the definition of alien status and the juridical consequences of differentiation in the regional integration process, he acknowledged its political importance, but not its juridical importance stricto sensu. To take the Committee's observations even further would mean contesting every treaty or bilateral agreement concluded between States parties to the Convention. Logic would then dictate that if Bulgaria concluded a treaty with Romania to speed up border formalities between the two States, the agreement per se would constitute discrimination based on nationality, since it would apply exclusively to Bulgarians and Romanians.

49. Drawing attention to a possible problem of translation in paragraph 14 of the report, he explained that the fact that everyone was free to declare their affiliation with an ethnic group did not mean that everyone was obliged to refer to themselves as Hungarian or Slovak, for example. The law should be seen as embodying the principle whereby no person could be forced to declare affiliation with any particular ethnic group.

50. Mr. GRÜNEWALD (Austria) said that it was difficult to answer Mr. de Gouttes' question since he did not have access to all the convictions under section 283 of the Penal Code and the way in which it had been interpreted. However, as a judge, he could say that he would not personally put a limited interpretation on that section, and promised to do his utmost to ensure that the next report contained the juridical interpretations of the provision of the Austrian Penal Code raised by Mr. de Gouttes.

51. Mr. NOBEL (Country Rapporteur) said that he appreciated the delegation's replies, which had supplemented the report, and welcomed the concrete and constructive dialogue. However, the Committee awaited more precise demographic statistics and specific information on the case law and the various racial discrimination court cases, complaints received through the Ombudsman and actions carried out by the police supervision bodies, whether the supervision was internal or entrusted to the criminal courts. The Committee could not but welcome the suggestion that Austria's reports were soon to be published in written form and on the Internet and would be a topic of public discussion.

52. He said that he would also like Austria's next report to include measures taken to combat xenophobia and racism - including anti-Semitism - at different levels. He stressed that today it was less the religion than the race of those they considered Jews that anti-Semites attacked.

53. He also wished to draw the Austrian delegation's attention to the concern caused by the offensive language used by official State representatives, as reported in the press.

54. He welcomed Mr. Dossi's explanations on the workings of the Austrian Constitutional Court. He would appreciate it if the next report were more comprehensive in its treatment of the questions of the various forms of judicial protection granted, depending on the national origin of asylum seekers, protection of foreign victims of discrimination by Austrian citizens and anti-discrimination legislation in the private sector.

55. In his view, the State party should review its current legislation and consider amending its civil and criminal laws to bring them fully into line with articles 4, 5 and 6 of the Convention, concerning, respectively, condemnation of propaganda and organizations based on racist ideas or theories, prohibition of racial discrimination and the right of everyone to equality before the law, and to remedies against any acts of racial discrimination. The fact that the Austrian Penal Code repressed racial discrimination only when it was "apt to jeopardize the public order" and was directed "against a [specific] group" of persons (CERD/C/319/Add.5, para. 11) limited the effective implementation of that provision. Further noting that Austria had not expressed reservations of substance, but rather reservations of principle, to articles 4 and 5 of the Convention, he wondered whether it might not withdraw them.

56. The CHAIRMAN announced that the Committee had completed consideration of Austria's eleventh, twelfth and thirteenth periodic reports.

57. The Austrian delegation withdrew.

58. Mr. Aboul-Nasr resumed the chair.

ACTION BY THE GENERAL ASSEMBLY AT ITS FIFTY-THIRD SESSION

Effective implementation of international instruments on human rights: note of the Secretary-General transmitting to the General Assembly the report of the tenth meeting of persons chairing the human rights treaty bodies (agenda item 6 (b))

Report of the persons chairing the human rights treaty bodies on their tenth meeting (A/53/432)

59. The CHAIRMAN invited Committee members to refer to document A/53/432, which reported on the deliberations of the tenth meeting of the persons chairing the human rights treaty bodies, held in Geneva from 14 to 18 September 1998.

60. In addition to the persons chairing all the bodies concerned, many NGOs and various United Nations specialized agencies had attended the meeting (a detailed list could be found in paragraph 7 of the report).

61. During the meeting, the representatives of 55 States parties had been invited to a private meeting at which there had been a very constructive exchange of views, although no new proposal or conclusion had been framed.

62. The bulk of the work consisted of a brief review of the workings of the treaty bodies and consideration of how they could be improved. Although many

documents - listed in paragraph 13 - had been presented, few new suggestions had been put forward other than the usual exhortation to strengthen cooperation.

63. He observed that hopes that ratification of the six major international human rights instruments would soon be universal had again been expressed.

64. As Chairman of CERD, he had had occasion to raise briefly the specific problems and difficulties the Committee had encountered. Although the idea of holding sessions in New York had won some support, it had not in the end been endorsed by the General Assembly. However, it had been noted that it would be advantageous if the treaty bodies were able to meet on an occasional basis at the various United Nations regional offices (para. 33).

65. Criticism had been levelled at media coverage of the treaty bodies' activities, with journalists accused of favouring the consideration of reports concerning the Western countries and "forgetting" the rest of the world.

66. Mention had been made of problematic relations between treaty bodies and it had been agreed that cooperation needed to be improved.

67. The meeting had resulted in a number of conclusions and recommendations, which were reproduced in paragraphs 55 to 69 of the report.

68. Mr. van BOVEN agreed with the Chairman that the report of the persons chairing the treaty bodies did not lend itself to comment.

69. Mr. BANTON said that he understood the very restrained reaction to, and Mr. Aboul-Nasr's disappointment in, the outcome of the meeting of persons chairing the treaty bodies. However, those meetings had a precise role to play and the recommendations they had formulated in the past had been well received by the General Assembly and had often been followed up. It was a forum for independent views that made for progress in a context in which the balance of opposing forces often led to inertia.

70. Mr. de GOUTTES said he had two observations to make concerning the conclusions and recommendations in document A/53/432. Paragraph 55 stated that "[t]he chairpersons expressed strong concern at the geographical and gender imbalances reflected in the composition of certain of the treaty bodies", in particular at the unequal geographical distribution and the unsatisfactory number of African experts. It was true that the African continent was greatly under-represented. The paragraph ended with a sentence in which the States parties were called upon to "make a concerted effort to remedy the imbalances". Considering that last sentence to be very important, he inquired whether any suggestions on the subject had been made at the meeting.

71. Additionally, paragraph 67 stated that the chairpersons had "strongly endorsed the proposed plan of action to strengthen the implementation of the Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment", and that

they had "requested the High Commissioner for Human Rights to ensure that the finalization and subsequent launching of a plan of action be given absolute priority and that necessary resources be made available".

72. If he understood correctly, in the light of the treaty bodies' success, the regular budget resources were no longer adequate, and it had been suggested that extrabudgetary funds be solicited. However, no mention had been made of the enormous effort already made on behalf of the Committee on the Rights of the Child and the Committee on Economic, Social and Cultural Rights.

73. He wondered whether, in that context, there was a serious chance of obtaining extrabudgetary resources and whether some of the planned expenditure would still be charged to the regular budget. He also inquired whether the plan of action to strengthen the implementation of the international human rights instruments would cover all the treaty bodies, including those dealing with the rights of the child and with economic and social rights, which had already been "favoured", so to speak. He professed to be reassured by the negative reaction he observed in the meeting room.

74. Mr. van BOVEN, like Mr. de Gouttes, wondered why different treatment was meted out to the various treaty bodies, which was both unfair and illogical.

75. The CHAIRMAN said he took due note of Mr. de Gouttes' criticism of the report of the meeting of the chairpersons of the treaty bodies. Returning to Mr. Banton's remark that the General Assembly had in the past successfully followed up the recommendations formulated at those meetings, he asked whether the Assembly had reacted to the document under consideration and discussed the recommendations contained therein.

76. Mr. VALENCIA-RODRIGUES said that the General Assembly had indeed taken the document into consideration, but had not formulated any specific resolution on the subject.

77. Mr. HUSBANDS (Secretary of the Committee) said that in paragraph 4 of the pertinent draft resolution submitted by the Third Committee to the General Assembly (A/C.3/53/L.22/Rev.1), mention had been made of the report of the chairpersons of the treaty bodies on the deliberations of their tenth meeting.

78. Mr. SHERIFIS said that paragraph 2 of the same draft resolution stated that the Assembly would encourage the treaty bodies to give careful consideration to the relevant conclusions and recommendations in the report of the persons chairing the human rights treaty bodies.

79. The CHAIRMAN thanked the two previous speakers for their explanations, and asked whether the General Assembly had ruled on the matter, which he did not think it had.

Strengthening of the implementation of the international human rights instruments: draft global plan of action (document distributed in the meeting room in English only)

80. The CHAIRMAN invited Committee members to discuss the text of a draft global plan of action dispatched to him by Mr. Aguilar, Chief of the Support Services Branch, under cover of a letter of 8 February 1999.

81. He had not himself had time to study the document in detail, but under its grandiose title the draft appeared, in short, to be basically requesting more staff.

82. In his view, the Committee should merely formulate recommendations on the matter, starting by giving the famous plan a more modest name.

83. Mr. BANTON said that while the title of the draft global plan of action was perhaps ambitious, one had to be chosen and it could attract the attention of potential contributors. The proposals it contained were doubtless of more interest to other treaty bodies than they were to CERD, but some of its observations were extremely pertinent. For instance, the fact that communications in Russian could not be examined for lack of adequate linguistic support was a very real operational problem.

84. With regard to the three proposals contained in paragraph 13 of the draft, the idea of assisting Governments in preparing and coordinating advisory services programmes in connection with the treaty body recommendations was a useful one. It was important to provide a more effective response to States' expectations by, possibly, assigning extra staff to those tasks. The third proposal, namely to assist the treaty bodies in the preparation of background papers on selected themes, could also be useful, although it might be more important for treaty bodies other than CERD.

85. As it was, his only reservation concerned the first proposal in paragraph 13, in particular the second sentence, which stated that the plan of action team should not duplicate research work carried out elsewhere. When a rapporteur was called upon to study the situation in a given country, the documents supplied to him by the Committee's secretariat on the manner in which that country's practices had been analysed by other United Nations bodies were extremely useful. In that regard, Committee members were not all in the same boat. Members from the developed countries had access to libraries and information on the Internet, as well as all kinds of reports, while those in the developing countries might find it difficult to obtain certain information, if only because of the malfunctioning of the postal services.

86. Since the Committee had agreed to a system of division of tasks with the special rapporteurs, it was important for the latter to be in a position to indicate specifically the information they lacked, and not be obliged to refer back to the secretariat or their assistants. He invited Committee members to give careful consideration to the matter and to the wording of the corresponding proposal.

87. Mr. de GOUTTES said that, like the Chairman, he was not convinced that the staff-increase approach was the best. It would probably have been better to begin by defining priorities, so that staff needs could then have been assessed.

88. Mr. van BOVEN said that there was an important omission in paragraph 7 of the draft, which listed the treaty bodies' activities. In his view, one of the most important activities of the treaty bodies was to formulate conclusions, but the draft had been silent on the subject. With regard to section III, which dealt with objectives, he considered it illogical to speak first about personnel needs and then about the tasks to be accomplished; it should be the other way around. Also given the scope of the functions listed in paragraphs 13, 14 and 15, he wondered whether they could be performed by only six Professionals and one General Service staff member.

89. The CHAIRMAN, summarizing the discussion, said that Committee members, himself in particular, had not had sufficient time to study the global plan of action in depth. He pointed out that the document had been prepared by the Secretary of CERD, who had not attended the meeting.

90. Once he had given it careful study, he would draft a considered comment, with the assistance of Mr. Banton and Mr. van Boven, taking each person's suggestions and observations into consideration.

The meeting rose at 1.05 p.m.